



OEPA
S.E.D.O.

2009 APR -7 AM 9:12

Robert E. Murray
Director

April 6, 2009

Ms. Abbot Stevenson
Environmental Engineer
Permits and Enforcement Section
Division of Surface Water
Ohio Environmental Protection Agency
2195 Front Street
Logan, Ohio 43138

Dear Ms. Stevenson:

This is in response to your letter of March 31, 2009, concerning the discharge from Pond 10 at The Ohio Valley Coal Company's ("Ohio Valley") Powhatan No. 6 Mine on February 11, 2009.

At the outset, I want to express my personal deep concern that the Ohio Environmental Protection Agency ("OEPA") found a pump operating at Ohio Valley's Powhatan No. 6 Mine that should not have been. Our Companies and the undersigned are totally committed to full environmental compliance and proper stewardship of our properties.

The following measures will be instituted to prevent future such occurrences:

1. Individuals have been assigned to monitor the discharges from all ponds daily. This will include the monitoring of the water level at Pond 10 daily. These individuals will provide a daily report to Ohio Valley management. Messrs. Farley R. Wood and Robert P. Kudlawiec will be directly responsible for all ponds and discharges.
2. We will divert any unnecessary inflow into Pond 10 by installing ponds and pumps upstream to intercept this water and pump it to the No. 2 Slurry Impoundment. A Permit to Install ("PTI") will be submitted for the additional ponds and pumping systems. The PTI will be submitted within sixty (60) days. The ponds will be installed within one hundred twenty (120) days of approval of the PTI, weather permitting.
3. We will clean the pond to restore it and to assure it has sufficient capacity for the drainage area it services. The pond cleaning efforts have been initiated. The pond volume will be evaluated monthly, and the pond will be cleaned annually or more often, as needed.

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